

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BOBBY LEE MONTGOMERY,) Case No. 2:12-cv-00817-MMD-NJK
Plaintiff(s),) ORDER
vs.) (Docket No. 48)
LAS VEGAS METROPOLITAN POLICE)
DEPARTMENT, et al.,)
Defendant(s).)

Pending before the Court is Plaintiff's sworn affidavit that the state criminal proceeding has terminated. Docket No. 48. This affidavit was filed in response to United States District Judge Miranda M. Du's order of April 19, 2013. *See* Docket No. 40 at 10.¹ The pending affidavit confirms Plaintiff's oral representations that the criminal proceeding was dismissed and no further filings appear necessary in relation to Judge Du's denial of the motion to stay. *See id.* (relying on oral representation, but requiring affidavit be filed confirming oral representation).

IT IS SO ORDERED.

DATED: May 7, 2014

NANCY J. KOPPE
United States Magistrate Judge

¹ Judge Du also ordered Plaintiff to plead that the criminal proceeding was terminated as part of his malicious prosecution claim. *See id.* at 8. The sufficiency of Plaintiff's amended complaint is separately addressed in the Report and Recommendation issued concurrently herewith.